

REMARKS/ARGUMENTS

Amendments to the Claims

Claim 1 has been amended to include all the limitations of claim 4, and claim 4 has been cancelled correspondingly. In addition, claim 10 has been amended to include all the limitations of claim 13, and claim 13 has been cancelled correspondingly.

Additionally, claims 5, 7 and 20 have been amended to dependent upon claim 1; claim 21 has been amended to dependent upon claim 10. The applicant believes that no new matter is introduced.

10 **Claim Rejections**

Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by MIYAOKA (US 5,398,227).

Claims 2, 3, 11, 12, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over MIYAOKA (US 5,398,227) in view of CALL (US 5,640,381).

15 Claims 4, 5, 8, 9, 13, 17, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over MIYAOKA (US 5,398,227) in view of KUROKAWA (US Publication 2005/0088953).

Responses:

Claims 1 and 10

20 As claims 1 and 10 have been amended to include limitations recited in claims 4 and 13 respectively, the applicant believes that the rejections under 35 U.S.C. 102(b) have been overcome.

In addition, regarding the amended claims 1 and 10, the applicant asserts that the cited prior art fails to render the amended claims 1 and 10 obvious. Rationale is given as below.

25 Kurokawa's specification paragraph [0075] expressly recites: "FIG. 9 schematically shows the relationship between the write power and asymmetry. The optimum write power is that write power at which asymmetry is equal to a predetermined value A". Though Kurokawa teaches carrying out recording while varying the write power and then measuring the asymmetry, note is made by the applicant that Kurokawa

30

suggests using write power at which asymmetry is equal to a predetermined value A as the optimum write power. That is to say, Kurokawa merely suggests varying the write power to carry out recording, obtaining a write power according to the asymmetry derived from the recording, and using the write power as the optimum write power. Therefore, Kurokawa only teaches the operation of **determining the optimum write power**. The applicant points out that Kurokawa fails to teach varying the write power to carry out recording according to a specific preliminary power relationship relating drive signals to power levels and then correspondingly adjusting the specific preliminary power relationship such that data is written to the optical medium at a predetermined power to thereby generate the final power relationship. (*emphasis added*) Since Miyaoka also fails to teach generating a final power relationship by performing a power relationship correction (as indicated by Examiner; see page 6 of the Office Action dated 09/17/2008), the claimed feature “generating a final power relationship by performing a power relationship correction on the optical medium of the optical device” is neither taught nor suggested by Miyaoka in view of Kurokawa. (*emphasis added*)

In light of above reasons, the applicant asserts that the limitations “**generating a final power relationship by performing a power relationship correction operation** on an optical medium of the optical device, wherein the power relationship correction operation comprising: **writing test data** to the optical medium of the optical device using a particular drive signal value for a predetermined power value **according to the preliminary power relationship**; reading a read signal corresponding to the test data from the optical medium; and analyzing the read signal to determine if the test data was written to the optical medium at the particular power and **correspondingly adjusting the preliminary power relationship** such that the test data is written to the optical medium at the predetermined power to thereby generate the final power relationship” as recited in claim 1 is not taught or suggested by the cited prior art. (*emphasis added*) Claim 1 should be found allowable over Miyaoka in view of Kurokawa. In addition, claim 10 has the limitations similar to that of claim 1, and should also be found allowable over Miyaoka in view of Kurokawa.

30

Claims 2, 3, 5, 7-9, 11, 12, 14, 16-18, 20 and 21

Claims 2, 3, 5, 7-9 and 20 are dependent upon claim 1, and should be allowed if claim 1 is found allowable, as well as for their own additional features. In addition, claims 11, 12, 14, 16-18 and 21 are dependent upon claim 10, and should be allowed if claim 10 is found allowable, as well as for their own additional features.

Claims 4 and 13

Claims 4 and 13 have been cancelled.

10 **Conclusion**

Based on the above remarks/arguments, the applicant respectfully submits that all of the rejections set forth in the Office Action dated 09/17/2008 have been overcome and the pending claims are in condition for allowance. Withdrawal of the rejections and reconsideration of the pending claims are respectfully requested. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact the undersigned applicant's representative at the number indicated below.

Sincerely yours,

20 /Winston Hsu/ Date: 12/03/2008

Winston Hsu, Patent Agent No. 41,526

P.O. BOX 506, Merrifield, VA 22116, U.S.A.

Voice Mail: 302-729-1562

Facsimile: 806-498-6673

25 e-mail : winstonhsu@naipo.com

Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 13 hours behind the Taiwan time, i.e. 9 AM in D.C. = 10 PM in Taiwan.)